

Public Reason Liberalism's Classical Tilt Revisited

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Let me begin by thanking the editors of *Cosmos + Taxic*, guest editor Ritwik Agrawal, and the symposiasts. They have all helped me improve the arguments of *Trust in a Polarized Age*. I can more readily see the path forward for this project. Thank you.

To begin my response, I will review *Trust in a Polarized Age's* main line of argument. A quick summary of the book is this. *Trust in a Polarized Age* (*TPA*) defends liberal democratic welfare-state capitalism. In particular, it defends a range of traditional liberal rights practices, that is, the institutional processes that protect rights.

I provide trust-based grounds for each rights practice. Each practice can create and sustain trust between view-point-diverse citizens. They also create trust in the right way, by which I mean that the institutions are justifiable for many reasonable points of view. Trust for the right reasons arises when an institution creates trust in a way that is publicly justified. Owing to the focus on public justification, I defend a version of public reason liberalism.

TPA claims that five publicly justified rights practices sustain trust. These are rights to freedom of association, private property, social insurance, and democratic governance in the form of popular elections and legislation.

TPA's MAIN LINE OF ARGUMENT

Public reason liberalism is a form of social contract theory, which I defend because I think social contract theory provides the best justification of political institutions. However, social contract theory has competing strands, as does public reason liberalism. One difference concerns which relationships we want social contracts to establish (Southwood 2010). On one end, we find Kantian contract theories, which seek relations of citizenship and civic friendship (Rawls 2005). On the other end, we find Hobbesian social contract theories that seek only to establish social cooperation (Gauthier 1986).

I reject both approaches. Kantian theories mistakenly place politics at the heart of social life. There is more to social life than politics. However, many of the same problems posed by political authority arise in moral life. In politics, we use the state to force others into certain lines of conduct, but we do so in the moral life as well. An attractive social contract theory should explain more than social cooperation, but also our moral authority over one another. However, it need not establish civic friendship or agreement on justice.

Hobbesian theories have a different vice—they are too unambitious. As I argue in Chapter 2 of *TPA*, the social sci-

ences show that societies can accomplish more than settling disputes and ending violent conflict. Humans can build high-trust liberal democratic market orders. And they have. I also worry that Hobbesian contracts collapse: instrumental rationality cannot prevent defection from cooperative agreements (Gaus 2011). Fortunately, humans can exceed instrumental reasoning to form trusting relations with others.

I share these concerns with Gerald Gaus, who identified a middle relationship between mere cooperation and civic friendship: moral relationships (Vallier 2022). These “moral relations” hold between typical moral agents and presuppose that people adhere to social norms and enforce them (Bicchieri 2006). Persons in moral relations hold one another accountable for moral errors and often do so with comfortable automaticity.

A Hobbesian approach cannot sustain moral relations. To see why, consider what we learn when we learn that a social contract is instrumentally rational. We learn the agreement helps people pursue their goals even if they do not care about or respect others. In that case, we learn only one fact about the action of persons—that immoral actions (breaches of contract) are irrational. We do not know whether defection is blameworthy—whether it licenses guilt, resentment, or sanction. One party changed their plans. That’s all we know.

But social order rests on moral practices like the enforcement of social norms (Bicchieri 2006). Social cooperation only persists when people share ethical concerns. In short, they will abide by moral rules even when doing so is not in their self-interest. If we settle for an instrumentally rational social contract, we cannot make sense of our practice of holding others accountable. We do not know if we can hold persons accountable for violating agreed-upon rules. We cannot conclude that defection merits punishment. And so, our moral psychology does not play a central role in justifying and stabilizing political power.

A Kantian social contract values moral relations, but only some of them, such as civic friendship and relations of justice. Kantian contracts downplay thinner social ties, like trust. But we struggle to cooperate with people with diverse perspectives, so we cannot expect society to sustain rich relations between us. That is because Rawls’s insight that people reasonably disagree about the good life extends to reasonable disagreement about justice, as I argue in chapter 1 of *TPA*. We cannot agree on a shared conception of justice or even of citizenship. So we must settle for less.

A social contract based on moral relations is neither too ambitious or too unambitious. Its aim is just right. But to show as much, we need an account of what moral relations are. Gaus did not define the set of moral relations. He only mentioned a few of them. These include love, friendship, and trust. Gaus wrote about love and friendship at length (Gaus 1990). But people in large, diverse, complex orders cannot share love or friendship, nor did Gaus claim as much. Their relationships are much thinner than love and friendship. And so, in my mind, the only moral relation available to members of such orders is trust, and Gaus had said little about it.

Trust is a powerful moral relation. First, it can unite diverse persons on shared lines of conduct. Second, it reaches beyond instrumental rationality without supposing rich social relations like civic friendship. Based on these observations, I develop a social contract theory to establish two forms of trust: social trust (trust in strangers) and political trust (trust in government). I wanted to identify the constitutional orders that many perspectives can endorse. Once we live within such a scheme, each has her own reason to honor its recognized rights, and when they those honor rights, they signal their trustworthiness to one another. Each shows she acts on moral motivations, even if her motives differ from others. I developed these themes in *Must Politics Be War? Restoring Our Trust in the Open Society* (Vallier 2019).

But my argument in that book was merely theoretical. I did not address empirical matters. As I wrote the sequel, what would become *TPA*, I realized I could expand my defense of a trust-based social contract by drawing on the empirical literatures on trust. Social scientists have some good ideas about creating and maintaining these forms of trust and so, by extension, they could help determine if liberal order can sustain moral relations. In the previous book, I argued liberal constitutional rights rationally justify trust. People can maintain trust despite their differences if they act from their convictions. But we also want to know whether liberal order creates real trust in the world. I wrote *TPA* to address that question.

So, I use empirical literature to create an interdisciplinary study of trust. The promise is great. With a unified inquiry, we might vindicate liberal order on empirical and normative grounds.

However, that inquiry requires hard work. Theorists need shared concepts, and a strategy for appealing to the empirical literature. In *TPA*, I draw on the empirical literature by identifying the scholarly consensus about whether a rights practice supports relations of trust. If trust researchers agree on some causal relationship, I take it for granted and return to normative questions. I then ask whether those institutions are justified for the public. I conclude that a liberal rights practice can both *cause and justify* trust. That means liberal order maintains real trust for the right reasons. And so we reach the book's central question: can liberal order sustain trust for the right reasons? Can we show that different liberal institutions both justify trust and cause it?

I do not draw certain conclusions from the trust literatures. Instead, I have tried to put the moral and empirical literatures into contact with one another, which I hope will one day shed some light on the nature and justification of cooperative social orders.

My general aim is to vindicate liberal order, yet my arguments tilt liberalism towards certain strands in the tradition. My multi-factor approach to public reason vindicates a kind of classical liberalism; public reason tilts against the egalitarian liberalism of the extensive state, a point my critics focus on. So let me turn to address this matter in earnest.

PUBLIC REASON'S CLASSICAL TILT

In *The Order of Public Reason*, Gaus argued that public reason has a classical liberal "tilt" (Gaus 2011). In short, public reason favors limited government, contra Rawlsians, who think public reason vindicates a strong redistributive and administrative state (O'Neill and Williamson 2012). Gaus countered that diverse reasoning undermines state coercion; such force cannot achieve public justification. Gaus also argued that some rights exist to cope with disagreements. They help us avoid infeasible collective decisions. Private property rights illustrate. We disagree too much to decide how whole societies should use their property. So we decentralize decision-making to particular units of property.

In *The Open Society and Its Complexities*, Gaus provided an additional rationale for classical liberalism (Gaus 2021). People cannot predict the outcome of macro-level policy. Even if diverse societies cannot accept classical liberalism, most coercive policy resists justification.

I, too, think public reason has a classical tilt. My argument, however, is cumulative: many modest arguments gradually tip public reason in a classical direction. I now review those arguments as they appear in *TPA*. The order, I think, is essential. I proceed this way because most symposiasts reject the classical tilt. So, once I have outlined public reason's classical tilt, I will answer their objections.

I begin with an outline of my conception of public justification. First, I adopt a convergence conception of justificatory reasons, which means people may appeal to diverse, unshared reasoning in public justification (Vallier 2014). Likewise, diverse reasons can defeat the case for coercion. Second, I adopt moderate idealization. Justificatory reasons are those a person affirms with improved information and reasoning, not perfect information and reasoning.

Third, given diverse reasoning, evaluative pluralism applies to disagreement about the good *and justice*. Indeed, reasonable disagreement even applies to empirical disputes: sincere and informed people disagree and even expect different outcomes from the same public policies.

The range of reasonable views about justice is broad. Libertarians have reasonable beliefs about justice and how markets work. The same holds for socialist egalitarians. *TPA* asks if groups containing so much diversity can converge on common rules. If so, I conclude they can trust one another despite their differences.

The justification of rights faces a hurdle from defeater reasons. These reasons undercut or rebut the case for rights. Since I allow so much diverse reasoning, I recognize a panoply of diverse defeaters for rights. To get traction on this complex problem of diverse justification, I then appeal to a veil of ignorance model. I assess abstract rights with a *thin* veil. Parties know everything about themselves besides their relative power

and social status—the thin veil places parties in a risk-averse mood. Parties then adopt protections that they extend to others on equal terms.

The first group of justified rights are agency rights—rights to form coherent projects, plans, and commitments. Such rights include the use of one’s body and forming intimate relationships.

These rights include both negative and positive liberties. Some agency rights require that states and other citizens not interfere with the use of one’s agency, whereas other agency rights require that states help people develop their agency. Note that neither negative nor positive rights have priority over the other. Yes, public justification must overcome a presumption in favor of negative liberty, but positive rights can meet the presumption. My goal in *TPA* is to locate rights that advance positive and negative freedom together. But that does not imply that negative liberties matter more than positive ones, which means that Eric Rowse’s contention that I prioritize negative rights is false (Rowse 2023, p. 50).

The next stage of rights justification focuses on freedom of association: people may use their agency to form larger groups. These rights, too, have positive and negative elements. We secure for persons the resources to form their own organizations. This right covers civil and commercial bodies. Commercial associations seek the right to profit from their endeavors, and so, justified commercial associations help justify a right to productive resources. At least for small proprietors. These rights also include freedom of occupation and home ownership, as both rights help most small businesses get off the ground.

Here Christie Hartley and Lori Watson (Hartley and Watson 2023, pp. 8-10) ask about the problem of diversity within associations, which I will turn to below. My defense of freedom of association nonetheless provides a powerful bulwark against state power. We have negative and positive liberties to form associations that limit state power, and freedom of association includes the right to own capital and pursue profit.

Agency and associational rights require private property rights. We need personal property to exercise our negative and positive liberties, and this need justifies both strong property protections and modest forms of redistribution. Redistribution helps secure some property holdings for all. Individuals need stable, predictable property rights, and states must not disrupt the use of those holdings without good cause. The same goes for protecting the autonomy of families, churches, and small businesses. States must stand aside.

Private property also has a jurisdictional public justification because it allows individuals and small groups to make their own decisions, decisions they could not have made collectively. We can see this fact illustrated in the difficulty socialist governments faced. Indeed, as William Edmundson points out, few liberal socialists still favor central planning (Edmundson 2017).

Another basis for private property is the easily ascertainable information that market economies produce enormous wealth. This fact is a boon to people across the political spectrum. For libertarians, people gain access to private wealth. For social democrats, the state has more resources to provide goods and services. Growth is good from most ideological standpoints.

I capture this broad commitment to growth in my *principle of sustainable improvements*. One public justification for a policy is that it creates sustainable economic growth. *Sustainability* is critical. Markets and governments must manage resources and limit negative externalities, so if carbon emissions, say, endanger global health, states can tax to internalize them.

Diverse reasons also limit property rights. Non-libertarian members of the public have defeaters for libertarian-grade property rights since those rights require coercive protection. But for many non-libertarians, such force is defeated. The net effect of these defeaters is to commit the public to what I call *the principle of social insurance*. All but the most radical libertarians agree that government should provide safety nets, as people must not suffer resource deprivations through no fault of their own. Thus, the public should be committed to providing social insurance against major life risks.

Now, the principle of social insurance has limits. Economic conservatives might have defeaters for unconditional redistributions, like a universal basic income. They could object on moral grounds, like that a basic income is unfair, or they could object, say, based on fear of corrupt redistributions.

Beyond social insurance, state intervention becomes harder to justify. Members of the public can agree that at least some regulations increase coercion, and these need public justification. (Coercion-reducing reg-

ulations do not require public justification.) We must also worry about the state's provision of public goods, as coercive taxation finances them.

We need a *policy epistemology* to justify regulations and public goods provisions. A policy epistemology specifies standards of evidence that help citizens determine whether a policy will have a particular effect. Policy prediction is fraught, and so, few policies will survive policy epistemology. Owing to the complexity of social systems (Gaus 2021), we seldom know the impact of state power. To evaluate the effects of a coercive proposal, then, requires evidence we often lack.

I must also address the individuation of public policies from one another. How do we determine the level of individuation at which we justify laws and policies? Why not publicly justify at a coarse-grained level? We could justify entire constitutions. In *TPA*, I defend a narrow principle of individuation. Individuation is fine-grained. Put another way, public justification addresses small units of coercion we can causally distinguish from one another. We justify norms, laws, and regulations, not constitutions and entire legislative acts. That means blanket state actions do not receive an up-or-down evaluation: each piece of state action requires an assessment. And these assessments might turn up defeater reasons.

Public choice economics teaches that large bureaucracies invite rent-seeking, as bureaucrats and private parties use their power to limit competition and wealth creation (Mueller 2003). Current patterns of rent-seeking suggest that large bureaucracies invite regulatory capture where regulated groups co-opt and staff the regulating body.

However, these considerations do not all favor libertarianism. We may need strong states to stop corruption, states that can resist capture by private groups (Lindsey and Teles 2017).

Next I turn to questions raised by economic inequality. I do not think economic disparities in the market corrupt the democratic process since democratic corruption exists in societies with high redistribution and an extensive state. Only particular kinds of inequality create these problems. The main threats are inequalities that arise from rent-seeking and resource extraction, as we see in nations with a resource curse. So, states should suppress some inequalities owing to exploitation. But they should not narrow inequalities due to their intrinsic unfairness.

States can also reduce inequalities that arise from coercion. Some coercion induces anti-competitive practices and upward redistribution, like housing regulations that deprive the poor of affordable housing. Public reason theorists cannot justify these regulations. Public reason *can* address economic inequality, such as in real estate holdings, but non-egalitarian citizens will undermine the justification of redistribution based on the intrinsic unfairness of inequality.

We now reach my assessment of proposals for a more extensive state. I address two: property-owning democracy and liberal socialism. Property-owning democracy takes the welfare state and adds caps on private capital holdings, caps that apply to corporations and individuals which welfare state capitalism does not impose.

I argue against capital caps on three grounds (Vallier 2015):

- They reduce the incentive to produce capital that can benefit everyone.
- They distort the informational function of prices because caps prevent capital prices from signaling where society should reinvest capital.
- Caps invite rent-seeking, as people have strong incentives to control the cap.

To defend egalitarian public reason, one should instead focus on workplace coercion. Many activities in capitalist markets constitute coercion, such as when bosses sexually harass their workers. Workplace regulations protect people from coercion, so such restrictions are easy to justify, which includes rules meant to stop workplace coercion in advance. Such regulations protect unionization, in my view. These regulations are no mere concession to egalitarians, as classical liberalism has strong pro-worker strands (Zwolinski and Tomasi 2023). Public reason liberalism favors the weak.

Nationalization and government control serve as auxiliary protections for workers, at best. Nationalization can reduce efficiency. Publicly owned firms can strengthen the hand of capital. They are, after all, typically monopolies. Democratic voting is too distant from these bureaucracies to check government power. That means public reason might allow policies that directly favor workers. It might favor corporatization, where workers have guaranteed shares in their workplaces. Elizabeth Anderson has defended these arrangements (Anderson 2017). However, worker risk aversion may make corporatized firms less innovative, and if so, the principle of sustainable improvements may limit corporatization.

We must now examine the justification of coercive taxation. Public reason yields extensive protections for property rights, and these protections hold especially firm for the middle and working classes. Government redistribution faces limits within a system of agency, associational, and jurisdictional rights.

The harm of taxation is weaker for the rich. High taxes on the rich reduce their options far less than taxation on those with fewer resources. Further, the rich often gain their wealth through illicit means. Wealth may arise from uncompetitive marketplaces or government subsidies, and so, these holdings may not receive legal recognition and protection.

The state has productive functions: it must produce public goods on behalf of the public. Markets can underproduce public goods. However, my work is one of non-ideal theory, which means I do not assume that government officials and citizens usually comply with the law or the requirements of justice. That means we must worry about government failures as often as we worry about market failures. We should allow markets to underproduce public goods if government provision is worse.

Education illustrates (if it is a public good). School vouchers give parents and students more choices, so they have more negative freedom. And they can pursue schooling that fits their values and ideals—more positive freedom. Vouchers help manage evaluative pluralism in schools. Worries about teaching intelligent design in schools have weakened as home schools have expanded. Market provision may be better than government provision overall.

Risk of corruption also favors limited government. Often, governments misuse and misdirect funds to benefit themselves and their allies. Ideally, government agencies have little power. In those cases, few private groups have cause to co-opt them. But we cannot always stop corruption through limited government, as states can sometimes overpower private capital. In those cases, corruption might lessen. Housing policy in California illustrates: decentralized zoning created massive economic inequalities—the rich zone their homes to grow their wealth (Lindsey and Teles 2017). But the California state legislature now allows for building dual-family homes, which reduce rent-seeking by shifting housing policy to the more powerful state government.

Housing policy helps to illustrate other parts of classical liberal public reason.

Strict residential zoning restrictions face a staggering array of defeater reasons. Zoning restrictions limit negative and positive liberty and harm agency, associational, and jurisdictional solutions to social problems. They produce corruption, restrict economic growth, and redistribute wealth upward. Public reason recommends freedom to build homes.

Now I turn to the structure of the democratic process. I share classical liberal concerns that electoral mechanisms misrepresent the public will, but these risks imply that we must improve democracy, not abandon it. I recommend democratic deliberation through mini-publics. These groups deliberate in small numbers with excellent access to information and publish their arguments to influence the public. They would gather necessary information by drawing from experts, prediction markets, and super forecasting groups. Current democratic deliberation has problems, but perhaps we can fix them.

However we conduct democracy, we *must* conduct it. All members of the public have primary procedural rights, which include both legal and political rights. Agency, association, and jurisdictional rights require a practical, equal right to vote. They also entail the right to run for office.

I conclude my overview of the factors that tilt public reason in a classical direction. I did not write *TPA* to vindicate classical liberalism. But *TPA* has elements that comprise a cumulative argument for the position.

I should also remind the reader of one of my online appendices to the book. I argue that radical groups, like libertarians, merit exemptions from extensive states because states owe sincere radical groups the chance to experiment with new social forms. These groups could justly demand the resources to create local political units. Charter cities are one example. In this way, classical liberal public reason creates space for radical libertarianism, as well as socialist experiments.

I can now respond to Hartley and Watson, Hanley, Lehto, Edmundson, and Rowse. I am concessive towards Hartley, Watson, Hanley, and Lehto, and less so to Edmundson. Rowse, I fear, misunderstands me.

HARTLEY AND WATSON AND HANLEY

Hartley and Watson raise some critical concerns. First, they worry that I am silent about the place of children in public reason (Hartley and Watson 2023, pp. 11-12). This is fair. I do not address how children figure into public reason because I only adopt liberalism as a set of standards that govern adult relationships. Theorizing about children is complex, and I had little room to say much of interest. But, I am studying how trust forms in adolescence. In future work, I hope to address the questions Hartley and Watson raise.

Second, I defend freedom of association partly because associations predate the nation-state, and Hartley and Watson question the relevance of this historical claim (Hartley and Watson 2023, pp. 10-11). In reply, recall that my theory allows social practices to select publicly justifiable proposals. Social evolution can select publicly justified rules, which includes the evolution of associational norms. So, why does history matter here? My theory allows actual social practices to choose between publicly justifiable proposals. Social evolution can coordinate people on publicly justified rules, and associational norms face similar selection effects. Their development can land on rules justified for their members, and association development indicates how they solve problems of public justification. That is, history shows how associations solve public justification problems, and since they often solve those problems, the state has no grounds to intervene.

The record of those solutions creates a barrier against state power. As history illustrates, states often have no grounds to intervene in associational life coercively. That's because humans can form associations together without state intervention. And so, states should only use their power to solve problems that the civil order cannot.

Hartley and Watson (2023, pp. 6-7) question my argument that freedom of association creates trust. I defend my position with a literature review on trust and intergroup contact, and they argue that the literature review does not support my argument. The review only shows that intergroup contact reduces prejudice under limited conditions. It may not show that associations create trust.

I reply that state policy can help create conditions where intergroup contact reduces prejudice. For instance, state policy can help associations engage in trust-building communication. Hartley and Watson may be surprised to learn that I am open to such policies, at least non-coercive ones. I can envision subsidizing intergroup contact to help "bonding" organizations perform "bridging" activities, like soup kitchens. In soup kitchens, middle-class people often serve the unemployed poor.

Hartley and Watson (2023, pp. 8-10) focus most on diversity within organizations. They argue that my standard of sub-public justification may not protect oppressed people within associations. Or else my standard allows for more limits on freedom of association than I allow.

As it stands, my approach can accommodate many complaints from oppressed members of associations. If unjustified relations persist within organizations, the state may intervene. So the issue is one of frequency and severity: how often may the state interfere, and with which means? Maybe public reason should allow more state intervention if we attend to in-group diversity.

I think the devil is in the details. But let's begin with a case where Hartley, Watson, and I agree. Consider the sex abuse crisis in the Catholic Church. The church did not adequately protect members from abusive priests, as bishops often moved abusive priests to other parishes. They too rarely reported these

priests to state authorities. In that case, Catholic parishioners had defeater reasons for the church's abuse policy. Prosecution of abusive clerics had to come under state jurisdiction. But how much? Again, I can't say.

Easy enough, but my view faces a more challenging case. Let's stick to Catholicism. Many, many Catholics support the ordination of women. Many Catholics may have defeater reasons for prohibitions on women's ordination. Should states force the church to ordain women on this basis?

No. One problem with state intervention is that the Catholic Church has *constitutive* rules. These rules make the organization what it is. If the state forced the church to ordain women, it might destroy the institution. The issue is pivotal: the church may formally self-destruct even without losing members. For Roman Catholics, the state cannot make it the case that women can receive the sacrament of holy orders. Only God dispenses the sacraments. No state action can successfully make Catholicism ordain women. If the state allowed women to perform masses, those services would become faux services—they would not count as masses.

But some organizations have severe internal disagreements that states must resolve.

Consider, for instance, a schism within Protestant denominations that produces disputes over church property. In that case, perhaps the dissenting congregations should keep their long-held churches, as national leadership lacks authority owing to policies that parishioners may reasonably reject. States could rule in favor of local churches in property disputes.

Ryan Hanley (2023, pp. 32-3) adds another vital problem of in-group diversity and freedom of association. What of diversity within universities? In-group diversity may need state intervention to protect its unpopular minorities from majorities. The university system should create and spread knowledge and do so by way of open discussion. Majority opinion can, as we know, marginalize truth from the margins. Public universities, in particular, may need social policies crafted to protect ideological minorities since the conduct of public universities is the taxpayer's business. So here I admit that if we wish to preserve liberal order, we may need state intervention in university life. Though, I hope, with a light touch.

In sum, whether in-group diversity limits freedom of association depends on context, and I don't know if diversity is broad enough to undermine the level of freedom of association I defend.

LEHTO

Lehto (2023, pp. 16-17) asks whether a universal basic income can be publicly justified. In *TPA*, I suggest not. Conservative citizens have reasons that limit the principle of social insurance. To them, one cannot give social insurance to people with no strings attached, as that would be unjust. But Lehto might be correct that a UBI can be publicly justified. Here's why.

Remember that any political proposal can have three justificatory valences. 1. A proposal is defeated when some members regard the proposal as worse than no proposal. 2. A proposal can be justified, but not uniquely, such that it is better than no proposal and some alternative proposals. 3. A proposal can be optimally justified. It is the best of all undefeated proposals from the public's point of view. And so, a proposal can have one of two defects: defeat or sub-optimality. Sometimes a proposal can look both defeated and sub-optimal. It can be hard to tell.

I remain convinced that a UBI is not socially optimal; it is either defeated or sub-optimal. However, the evidence that favors a UBI could figure into our policy epistemology, and the evidence may be strong enough to ensure that UBIs are sub-optimal, and not defeated.

A UBI needs public justification because it relies on coercive taxation, but the principle of social insurance allows tax-funded social services. If so, a UBI mode of distribution might lower coercion because officials would not deny people income transfers. Conditional benefits also require that bureaucracies track and sometimes coerce recipients. A UBI avoids such coercion. These factors may make a UBI eligible because a UBI lowers coercion. So I can now see a case that a UBI is in the eligible set of proposals, which I did not see before.

EDMUNDSON

Edmundson brings his characteristic care to the defense of liberal socialism and worries I may have been too dismissive. I'm unconvinced. Socialism harmed the societies that adopted it, chiefly by reducing innovation, growth, and wealth creation. Liberal socialism after the world wars rested on temporary social bonding. And these social bonds enabled bad policies, though far less bad than command economies.. The evidence is clear. Heavy regulation and public ownership of the means of production damaged many economies.

But liberal socialism faces defeater reasons of several varieties. Allow me to review them.

Our agency and associational rights require robust private property rights, and more extreme forms of socialism violate those property rights. Socialism also creates jurisdictional problems. Only some citizens can agree on the proper allocation of capital.

Edmundson argues for more modest versions of socialism. Liberal socialism only directs government to own the commanding heights of the economy, such as major utilities like power and transport. Fair enough. I agree that a less socialist order stands a better chance of public justification. And it allows most people to hold private, productive assets.

But even this degree of public ownership can undermine economic growth and innovation, thus violating the principle of sustainable improvements. Capitalist welfare states grow faster than societies with considerable public ownership of capital, which is why most nation-states sold off public assets during the neoliberal period (roughly 1975-2008).

Democracy has some priority in determining property rights. However, property rights are powerful, and so democratic governments must respect them almost as strongly as they protect rights of free speech. To protect democracy, then, we must use the toolkit of the capitalist welfare state, but private groups must own the means of production, even if states redistribute wealth.

Let me stress a few more points. Contra Edmundson, I do not see why reasonable political conceptions of justice must be egalitarian (Edmundson 2023, p. 46). I see no good argument in *Political Liberalism* (Rawls 2005). Indeed, in the paperback edition of the book, a reasonable conception of justice can exclude the difference principle and must only guarantee citizens all-purpose resources to live out their reasonable conceptions of the good. Those allowances allow for the justice of less extensive states. I am unsure why reciprocity could rule out welfare-state capitalist regimes.

Edmundson worries a right to productive property implies a right to dominate others. Or that reasonable people could so object. But in *TPA*, I qualify the right to own significant capital assets that plausibly create dominance. So, I doubt this pushes me towards liberal socialism. Governments also lack the right to hold substantial capital assets under similar conditions.

In *TPA*, I expand Rawls's point based on justice pluralism, arguing that we must allow people to explore their conceptions of the good and of justice. One implication of justice pluralism is that open societies should allow self-governing micro-polities. These polities can have very diverse conceptions of justice, and I don't know why reciprocity defeats them. I raise this point to illustrate the power of justice pluralism. People will have defeaters for libertarianism but also liberal socialism, and once we tabulate left- and right-wing defeaters, only welfare-state capitalism remains.

ROWSE

I now want to respond to Rowse's criticisms at length. Unfortunately, Rowse interprets my project as libertarian when it is not (Rowse 2023, p. 50). His chief error is his assumption that I rank negative over positive liberty. In *TPA*, positive rights often override negative ones, which occurs whenever a public justification occurs. The positive freedom of our reason meets a presumption against interference. Positive liberties override negative liberties.

My aim is to locate policies that protect positive and negative liberties at once. Some positive freedoms are more important than some negative liberties, and I don't know why Rowse thinks otherwise. Markets expand positive rights because they produce more resources and give people more options.

I allow reasonable disagreement about what counts as coercive holdings. That leaves room for redistribution to protect negative liberty, so that the libertarian does not always win in public justification (Gaus 2011). I'm clear about that in the book.

Rowse argues redistributive orders are not at a greater risk of corruption. He claims wealth creates rent-seeking opportunities. Yet, many poor societies have serious rent-seeking, like Brazil, southern Italy, and command economies: people seek rents under many conditions.

My principle of sustainable improvements includes sustainability, which Rowse overlooks (Rowse 2023, p. 53). The principle builds in concerns about externalities. Externalities from growth make it less sustainable, but within the sustainability limit, economic growth is a tremendous instrumental good. It expands the bundle of resources available to all. With redistribution, it can benefit everyone.

I am unconvinced that public reason should favor public welfare over private charity, and I also must disagree that markets fail to provide health insurance. The US federal government has heavily regulated health insurance for fifty years, which is why starting small health insurance firms is too expensive. The paucity of small health insurance firms does not constitute a market failure. To illustrate, consider a related market—the market for car insurance. Such markets face far fewer regulations, and they are competitive and affordable.

I never imply that some people are too lazy or reckless to deserve state benefits. Rowse falsely accuses me of a grave moral oversight (Rowse 2023, p. 51). My view is that conservatives have reasonable defeaters for unconditional forms of redistribution. (Though Lehto may have convinced me otherwise.) Conservative views are reasonable. I disagree with conservative theories on the sources of poverty. As a private citizen of the United States, I hope conservatives will adopt other approaches.

It is also harder to justify larger property holdings than small ones. Defeaters grow more powerful as assets accumulate, so I do not jump from protections for small capital holdings to protections for larger ones (Ibid.).

Granted, I argue against strong coercive regulations. We must take coercive rules and policy epistemology seriously, so I combine concerns about coercion with worries about prediction. Together, they imply few regulations receive public justification. But also remember that other regulations protect rights and so undo coercion. In those cases, regulations are far easier to justify, as there is no presumption against them.

My project is not libertarian. Traditional libertarianism might be the correct theory of justice. But it cannot order a trusting, open society where most reject libertarianism, and nothing in *TPA* suggests otherwise.

NEXT STEPS: BEYOND THE RATIONAL BOUNDS OF POLITICS

I hope most of my replies enrich the project *TPA* initiates. But my responses share a limitation. They focus on societies where the public shares rich enough moral relations to construct publicly justifiable proposals. Alex Motchoulski probes the usefulness of public justification outside of rich moral relationships in severe moral conflict (Motchoulski 2023, pp. 37-41).

Motchoulski's primary concern, I take it, is this. Sometimes members of the public have conclusive reasons to distrust one another. If so, liberal rights practices may not restore trust. Communities may experience internal conflict when some members reject central moral rules. Deep moral disagreement can lead to severe conflicts, and those conflicts can undermine trust. That is clear. But, Motchoulski argues, some disagreements tempt us to reject one another's moral competence. Members of the public can see one another as friends or foes, but they can also see one another as mere patients, to use P. F. Strawson's term (Strawson 1974).

I had not considered how trust interacts with judgments of moral competence. Seeing others as mere patients might produce a breakdown in liberal institutions which require that we see others as free and equal. Public reason (of any sort) may prove useless in stopping the spread of those attitudes.

But it would be nice if public reason liberals could show how to arrive at a regime of moral relations. This extension of public reason theory illuminates practices that could make public justification more effective.

Here I am drawn to Michael Moehler's strategy (Moehler 2018). When public reason (Kantian justification) fails, we can fall back on Hobbesian instrumentalist reasoning, where agents find a non-moral bargain to reach a non-moral peace. That is, a *modus vivendi*. But one can then build moral peace once specific conflicts die down. High-trust societies exist; humans have not always trusted strangers, but we often do now. Unfortunately, social scientists do not know much about where social trust arose or how it did so. So I am conducting new empirical work on how people form social trust, and the results are still forthcoming. I hope to honor Motchoulski's insightful piece through that research.

Hartley and Watson (2023, p. 5) also raise a significant challenge to my approach to trust and polarization. In my trust books, I'm agnostic about whether trust is an affective state. I can imagine a calm and collected form of trust that doesn't involve emotional reactions. But most trust has an emotional charge: disappointment and betrayal evoke strong responses. If trust and polarization cause one another, then to address affective polarization, we must address trust's affective dimension.

Here again, we need more empirical work. This time, the problem is how trust affects our emotional states, including those that produce affective polarization. In *TPA*, I implicitly assumed that most trust is affective, and calm and collected trust is rare. Building trust means changing affective states, which could, in turn, address affective polarization. I admit that my argument needs a firmer empirical grounding.

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